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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,207	08/18/2003	Chih Hsien Wu	FP9711	1071
52981	7590	10/03/2005	EXAMINER	
LEONG C LEI PMB # 1008 1867 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94598			NGUYEN, TUAN DUC	
			ART UNIT	PAPER NUMBER
			2646	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,207

Applicant(s)

WU, CHIH HSIEN

Examiner

Tuan D. Nguyen

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the switch" in page 11 line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent number 5,253,300 (Knapp).

Regarding claim 1, Knapp discloses a rechargeable hearing aid, comprising: a hearing aid body (150,160), which contains a charging circuit (figures 3, 11); and a battery charger (171,172), which is provided with a receiving groove; and a battery chamber (see figure 17); the

receiving groove is adapted to the hearing aid body and provided with connection terminals (179,182) at two sides of the inner groove for flexibly locking the hearing aid body, whereas the connection terminals are connected to the battery chamber; the receiving groove is pivotally connected to a cover (132) by way of a hinge element (column 6 line 47). Regarding claim 2, Knapp further discloses wherein the charging circuit of the hearing aid body is composed of a microphone (28), a plurality of resistors (141, 142), electric capacitors (C1,C2,C3) and chips, and a receiver (36); wherein each of the electric capacitors contains a rechargeable capacitor, whereas each of the resistors contains a variable resistor for adjusting the volume of the microphone, the signal of which is amplified by way of amplifying circuit composed of a plurality of chips and broadcasted through a receiver (figure 3, column 3 lines 52-68). Regarding claim 3, Knapp also shows an easily recognizable indicator (135, 136) is provided on the battery charger. Regarding claim 6, Knapp also discloses wherein the battery charge is recharged by household power through an AC/DC transformer (column 5 lines 54-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent number 5,253,300 (Knapp).

Regarding claim 4, Knapp does not disclose wherein the battery charger can be protected by a leather case which is provided with a buckled clip to facilitate the user to carry with.

However, a leather case and a buckled clip are well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use these well known elements above for easy transporting.

Regarding claim 5, Knapp does not specifically disclose a light for a visual indication to a user that a charger is on/off.

However, a light for indicating an operational charger is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the well known light for a user to know that a charger is on/off.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone number is (571) 272-8163. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TDN
9/22/05


HUYEN LE
PRIMARY EXAMINER